IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.470 OF 2007
IN
CRIMINAL APPEAL NO.45 OF 2006

1. Roger Nicholas parera
2. Shri Romy Joseph Waz ..Applicants
V/s
The State of Maharashtra ..Respondent.

Mr.S.P.Kadam, Advocate for the applicants.
Mrs. M.H.Mhatre, APP for the State.

CORAM : J.H. BHATIA, J.

DATE : 23RD APRIL, 2007.

P.C.

. Heard Mr Kadam, learned Counsel for the applicants and Mr. Mhatre, learned APP for the State. Perused the record. The applicants were convicted for the offence punishable under section 392 and 394 r/w section 34 of IPC and were sentenced to undergo R.I. for five years and to pay fine of Rs. 2000/-. The present applicants had filed Criminal Application No.62/2006 seeking bail for applicants, was rejected on 21/3/2006. However, this Court had expedited the hearing of appeal. While rejecting the application the liberty was granted to apply again, in case the appeal

is not heard within one year, indicating that if the appeal would not be disposed of within one year, the application for bail could be considered.

2. According to the prosecution, three person snatched a bag from the complainant. The bag consists the amount of Rs.150/- and certain other articles. All the three culprits ran away from this spot. One police constable chased them in a rickshaw and apprehended the present applicants, while third person succeeded in running away. The amount of Rs.150/- and bag was recovered from the present applicants. The learned Counsel pointed out different version of the constable, who is P.W.8 and rickshaw driver, who is P.W.2. Third accused who had escaped from the spot and was arrested two days thereafter was granted bail on 8/3/2006. The present applicants are in jail since 3/1/2006 i.e. they are in jail more than 15 months now. Earlier during the trial also they were in custody for some time. Even though, the accused persons are charged under section 397 IPC, they were acquitted of that charge. Taking into consideration all these circumstances and the fact that due to the heavy pendency of the appeals, it may not be possible to take up this appeal within a short

time, the bail may be granted to the applicant.

3. The applicants be released on P.R of Rs. 10,000/- each with surety in like amount with condition that they shall report to Nirmal Nagar Police Station, Bandra on first Monday of every month till the disposal of the appeal.

(J.H. BHATIA, J.)